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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 40th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 25 February 1993, at 3 p.m.

Chairman: Mr. GARRETON (Chile)
later: Mr. ENNACEUR (Tunisia)

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The meeting was called to order at 3.30 p.m.

STATEMENT BY THE SECRETARY-GENERAL FOR FOREIGN AFFAIRS OF AUSTRIA

1. The CHAIRMAN invited the Secretary-General for Foreign Affairs of Austria to address the Commission.

2. Mr. SCHALLENBERG (Austria) said that he wished to speak on subjects which were of great importance to his Government, namely, the protection and promotion of human rights, a constructive and open dialogue with the other members of the Commission and the forthcoming World Conference on Human Rights to be held at Vienna. The Proclamation of Tehran, adopted 25 years previously, had stated that:

> "It is imperative that the members of the international community fulfil their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all without distinctions of any kind, such as race, colour, sex, language, religion, political or other opinions. The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community."

3. Those words currently rang as true as they had 25 years previously. Since then, the world had seen tremendous changes and upheavals, progress and setbacks. The winds of democracy and human rights had recently blown through all parts of the world, providing the international community with new opportunities and facing it with new challenges. While universal human rights standards had been developed and refined considerably, as had the structures of international cooperation in the area, much remained to be done. As grim reality had shown, the Proclamation of Tehran had lost none of its urgency and universal validity.

4. Reports were received almost daily of war atrocities and human rights violations, such as torture, mass killings, disappearances, systematic rape, and the breakdown of the rule of law, all brought home by unbearable pictures of starvation, extreme poverty and the total destruction caused by war. No part of the world seemed to be spared those violations of basic human dignity. Only a few hundred miles from where he was speaking, the bloodshed and inhuman atrocities in the territory of the former Yugoslavia were causing unimaginable suffering to many millions of men, women and children.

5. The extent of that tragedy had recently been documented by the Commission's Special Rapporteur, who exemplified the dedication with which the Commission's special rapporteurs, experts and working groups fulfilled their difficult tasks. He was to be commended highly for his deep commitment to the cause of human rights and for the most informative reports he had submitted to the Commission. The Austrian Government fully supported the request that his recommendations be urgently implemented.

6. His Government welcomed the recent decision by the Security Council to establish an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law in the former Yugoslavia and hoped that the necessary procedures for its effective functioning would soon be established. However, that decision, though very important, should in no way detract from the essential need to continue the political efforts towards a peaceful solution of the tragic conflict, which should proceed with the utmost urgency.

7. The Vienna Conference on Human Rights would provide world leaders with a unique opportunity to review the human rights situation everywhere. It would assess the progress made and identify the obstacles met, consider the relationship between development, human rights and democracy and discuss new challenges to the full realization of the human rights of all, whether men, women or children. Assessing progress and identifying challenges, however, would not be sufficient and future-oriented decisions were needed. Men, women and children all over the world expected concrete action by all those who bore responsibility at the national and international levels for guaranteeing the promotion and protection of human rights.

8. Such responsibilities could be met, and international obligations fulfilled, only if effective measures were taken at the national level. Human rights protection must begin at home. Unfortunately, however, in many cases there was a disparity between human rights standards and reality. The mere fact that Governments had chosen to commit themselves to the standards enshrined in international or regional human rights instruments did not suffice, since individuals could draw no benefits from such commitments if they were not translated into action in their everyday lives. The gap between international commitment and national reality must finally be closed. The World Conference would therefore have to adopt concrete recommendations in order to bring the actual situation in all States closer to the universal standards.

9. The incorporation into national legislation of the standards laid down in the international instruments was essential if the foundations were to be laid for effective human rights protection. However, to ensure the effective implementation of such standards through well-functioning institutions, an overall human rights culture had to be developed. The Vienna Conference should prepare the ground not only for promoting national legislative measures, but also for strengthening national institutions.

10. Regional institutions also had a crucial role to play and his Government welcomed all endeavours to strengthen regional human rights structures, such as the inter-American and African systems for human rights protection. In Europe, the human rights mechanisms in the framework of the Council of Europe - despite their outstanding achievements - would be reviewed at a summit conference in October to be hosted by Austria in Vienna. That summit, which would be attended by heads of State and Government, would provide a unique forum to reflect on recent changes in the political landscape of Europe, prepare the ground for further improving the efficiency of human rights mechanisms and create a system for the protection of the rights of minorities.

11. The question of the interrelationship of human rights, democracy and development had been placed on the agenda for the World Conference. His Government would welcome a thorough but pragmatic discussion of the indivisibility of civil, political, economic, social and cultural rights, since that would help to create an integrated concept of protection and promotion of human rights, encompassing the entire United Nations system and opening up new possibilities for preventive action. In that context, the root causes of the denial of human rights in different societies must also be analysed.

12. The recommendations emanating from the World Conference would have to contain measures to enhance the effectiveness of the United Nations and provide the necessary resources for activities in the area of human rights. A "quantum leap" would be needed if expectations were to be fulfilled. In view of the enormous tasks faced by the United Nations, the allocation of less than 1 per cent of the overall budget to human rights activities was certainly insufficient and should be substantially increased without further delay.

13. Time was running short if the World Conference was to be well prepared. The preparatory process was reaching its final phase and the meetings at Tunis and San Jóse, together with the interregional colloquium organized by the Council of Europe, had been very successful and had yielded constructive results, and his Government looked forward to the forthcoming meeting at Bangkok. It would be necessary, however, to channel the various streams of preparatory work. A clear political commitment to find common ground was needed from all segments of the international community.

14. Public awareness would have to be raised in the weeks and months ahead by mobilizing widespread media attention for the Conference. Human rights experts, eminent personalities and, in particular, the community of non-governmental organizations were called upon to contribute to those efforts.

15. Apart from the activities already undertaken at the international level, it was important that the Conference should also be well prepared at the national level, where stress should be laid on the Conference as a major international event of 1993. Mobilization for the Conference was a challenge not only to Governments but also to the judiciary, parliaments, schools and universities, national institutions and non-governmental organizations. There were different ways and means of including all segments of society in the preparatory process at national level. His Government had set up a National Committee for the World Conference, which provided a useful forum for the country's preparatory activities.

16. In the framework of its national activities, his Government was endeavouring to foster dialogue and, in that context, he wished to refer to an initiative by the Austrian Minister for Foreign Affairs to hold an international Christian-Islamic conference at Vienna towards the end of March 1993. Under the general theme "Peace for Mankind", participants from all over the world would engage in a dialogue on subjects including human dignity, justice and human rights.

17. Only a broad mobilization would enable the World Conference to become more than a major diplomatic event, by ensuring the inclusion of all sections of society and encompassing all aspects of the protection and promotion of human rights. Meetings of experts, representatives of regional organizations and of national institutions dealing with and monitoring the proper implementation of human rights standards, might further contribute to the Conference, thus making it a much more comprehensive human rights event. The broad spectrum of parallel activities undertaken by non-governmental organizations would undoubtedly allow for the presentation of concerns by minorities, vulnerable groups and, of course, indigenous peoples, whose International Year was being celebrated in 1993.

18. Only with such broad participation, ranging from the highest levels of States and Governments to grass-roots organizations, from human rights experts to media representatives, would the Conference be able to chart the course for the years ahead. The further strengthening of the protection and promotion of all human rights, the universal ratification of international instruments, the prevention of human rights violations, the implementation of international commitments at the national level through the creation of a comprehensive and integrated international programme for human rights that ensured enhanced technical cooperation and assistance, were all activities which would have to find their "launching pad" in Vienna.

19. The Conference could be no more than a starting point, therefore, and had to be followed up by concrete action at different levels and in different forums, and particularly in the Commission. His Government had always contributed in an active and constructive manner to the work of the Commission on Human Rights. It had launched a number of initiatives which had secured the support and approval of all its members. Its decision to invite the World Conference to Vienna was an expression of Austria's firm commitment to the cause of human rights, and he hoped that its candidacy for re-election to the Commission would meet with undivided support.

20. A new international human rights partnership calling for firm political commitments could make the Conference a success. His Government was doing its best to support all endeavours in that regard. It was up to all the participants, however, to provide the political will not only to reach the goals set in the Universal Declaration of Human Rights but to go far beyond the standards set therein. Austria and its people were honoured to receive the Conference and to welcome all the participants, including the delegates to the Commission on Human Rights. He urged them all to join together to make the Conference the beginning of a new era for human rights.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(agenda item 11) (E/CN.4/1993/8, 29 and Add.1, E/CN.4/1993/30-35, 87 and 90, E/CN.4/1993/NGO/2, 11 and 17).

21. Mr. DENG (Representative of the Secretary-General on human rights issues related to internally displaced persons), introducing his study on those issues prepared pursuant to Commission on Human Rights resolution 1992/73, (E/CN.4/1993/35) thanked all the Governments, institutions, groups and individuals that had helped him in his work.

22. In view of the increasing global concern about the issues concerned, the interpretation of his mandate had itself been of some significance. Some had seen it as lying within the broader framework of what the United Nations system could do for internally displaced persons, others had viewed it purely within the context of the Commission, others still had interpreted it as being confined to the preparation of the study, and yet others had regarded it as an ongoing assignment within an established mechanism. In any event, expectations as to what the Commission could do in the area concerned were high.

23. The methodology he had employed included not only the collection of information from all the agencies specified in the resolution, but also visits to selected countries in order to investigate local developments and to consult Governments on how they viewed the mandate and what particular issues they thought should be emphasized.

24. The purpose of his country visits had been not to monitor or to report on conditions with a view to assigning any responsibilities but to understand the problems in the light of the information supplied by Governments and to hold discussions with all the parties involved. The Governments of all the countries which he had visited had expressed support for the initiative. If some of them had not responded to the questionnaire, that was not to be interpreted as lack of concern or interest.

25. Section II of the report, containing an overview of internal displacement, merely reflected what had already been available in the analytical report considered by the Commission at its forty-eighth session. However, certain additional information obtained from Governments had been included. The causes of internal displacements normally ranged from armed conflicts and various degrees of communal violence to natural disasters and human rights violations. The factors considered in defining internally

displaced persons also varied greatly and included economic considerations. In his concluding comments in section II, he had tried to provide guidelines that could help to identify groups in need of protection and assistance.

26. As far as international legal standards, dealt with in section III, were concerned, there was considerable debate between those who believed that adequate legal protection already existed and that what was required was more effective implementation and those who recognized that there were gaps to be filled. Essentially, the difference was more than just a question of empirical reflection. It also had a policy dimension, some people considering that it would be imprudent to admit that there were gaps in protection since, in the absence of a comprehensive legal framework, the assignment of responsibilities would be questionable.

27. There were other people, however, who believed that whatever legal coverage existed had to be highlighted in order to focus on the needs of the internally displaced. In his concluding comments on that section, he had made the point that, while there was adequate coverage derived from humanitarian law and, to some degree from human rights law, there were areas specific to internally displaced persons in which gaps occurred. A compilation of the existing standards and a progressive advance towards the adoption of an international instrument in the form of a declaration, a code of conduct or, ultimately, a convention would draw attention to the needs of the internally displaced, provide a legally enforceable framework, and help to promote public awareness of the issue. Immediate action could be taken along those lines.

28. With regard to section IV on international mechanisms, virtually all the Governments and organizations that had responded to the questionnaire had recognized that there was no focal point within the United Nations system catering for the needs of the internally displaced. That did not mean that some form of protection and assistance was not being given by a number of organizations such as UNHCR and the International Committee of the Red Cross (ICRC), but it was widely acknowledged that those organizations were providing services for the internally displaced in addition to their own specialized functions. There was thus an institutional gap in the protection of the internally displaced and some mechanism was required to fill it.

29. Opinions differed as to what that mechanism should be. Some Governments believed that the internally displaced merited the same sort of attention as refugees and that a specialized organ like UNHCR should be established within the United Nations system to cater for them. Others thought that, since it was most unlikely that the international community would endorse the establishment of a new institution, a faster method might be to mandate UNHCR itself to take care of the internally displaced. That would, of course, impose a considerable burden on UNHCR which would require extensive additional material and human resources. Another idea was to establish a special unit within the United Nations Secretariat to assume responsibility for the internally displaced, but the question arose as to exactly where such a unit would be situated.

30. The easiest and most practical alternative might be to set up a working group within the Commission or to appoint a rapporteur or representative of the Secretary-General. The responses received had indicated that, partly

because the mechanism of the representative of the Secretary-General was already in place and partly because the problem, by its very nature, had so many different aspects that it cut across a wide range of institutions within the United Nations system, an arrangement whereby a representative of the Secretary-General would be made responsible for it was to be preferred. Because of the delicate nature of the issues involved, such a mechanism might be more reassuring to all concerned.

31. If a representative of the Secretary-General were appointed, the question would arise as to what kind of functions should be assigned to him. They could include monitoring, information-gathering, reporting, providing an early-warning system, and the mobilization of international cooperation in specific situations. An attempt had been made to put all that into a strategic framework in which information gathering, processing and reporting would constitute one package, and actual involvement and dialogue with Governments for the purpose of finding a mutual cooperative basis for tackling problems and mobilizing international support would constitute another.

32. A valid question had been raised regarding possible conflicts between the different functions - for example, between the monitoring and dialogue functions. Without prejudice to any future decision that might be taken, his own experience had shown a need for great sensitivity and care in the handling of specific situations. There were bodies whose functions were to monitor, alert, expose and report, but a particularly sensitive approach was always called for when working with Governments to identify problems and to make the facts known in a spirit of cooperation. The representative of the Secretary-General would therefore have to use great tact with all concerned.

33. It was in that context that section V of the report, on the dynamics of internal displacement, had to be viewed. In part A, on internal displacement in context, an attempt had been made to view the issue in a broader framework, often in association with the problems of nation-building, government and the reconciliation of various conflicting factors, bearing in mind that the problem of internally displaced persons was often caused by internal strife.

34. Violations of human rights were, of course, listed as one of the causes of internal displacement, but they could also be a consequence of it. In essence, if the internally displaced were considered to be, rather than a peculiar isolated group, a component of a national population that suffered, albeit to a lesser extent, from the same problems, it could be said that all concerned had a mutual interest in finding cooperative solutions.

35. In the past he had himself been involved in the search for solutions to the deep-rooted causes of internal displacement in the Sudan, and his experience there had provided a good model for the kind of cooperation with Governments that was needed. The visit which he had made to the Sudan for the preparation of the report before the Commission had also been very fruitful. With the much appreciated cooperation of the Government and all concerned, he had been able to travel to areas of conflict and to discuss with the Government what could be done to tackle the problems encountered and subsequently to report on shortcomings and on what could be done to overcome them. He had also discussed possible action with the donor community.

36. In section VI, containing his conclusions, he had highlighted some of the principles of protection, had incorporated his findings and recommendations, and had restated the basic strategy of what he believed the future mechanism could do to monitor, assess, intercede, and call upon the international community to take remedial action. The area under consideration was of enormous importance, as was indicated by the kind of response received from Governments and the cooperation offered by a wide variety of circles.

37. The statistics in the analytical report showed that there were 24 million internally displaced persons as compared with 17 million refugees. The problems affected all parts of the world. He had been particularly pleased to visit the Russian Federation and Yugoslavia and regretted that, within the short time available, he had not been able to visit Asia. In any case, it was clear that human rights considerations could not be isolated from humanitarian concerns or from the overall national crises which the countries affected very often had to face. In fact, the human rights and humanitarian components fed on one another, and that would have to be taken into account by whatever mechanism the Commission might decide to establish.

38. He had discharged his obligations with a sense of commitment, duty, and deep concern. It was important for the integrity of any future mechanism that it should be dissociated from the individual making the recommendations. The question as to who would be best able to carry out the next phase could not be prejudged, and he hoped that the need for the kind of mechanism he envisaged and the selection of the individual to be responsible for it would be dealt with on their own merits.

39. Mr. FONSECA (Observer for El Salvador) said that all countries committed to consolidating peace and democracy were striving to move beyond the mere affirmation of fundamental human rights and to ensure that properly functioning legal mechanisms were available for the genuine and permanent enjoyment of those rights. Using the ombudsman system as a model, El Salvador had established the Office of the National Counsel for the Defence of Human Rights.

40. The Office had been established under the Peace Agreements as a permanent and autonomous institution, operating at the highest level as part of an institutional framework designed to achieve peace and democracy and a State subject to the rule of law. El Salvador had thus joined those countries having an institution to uphold the rights of individuals and groups and monitor the legality of actions by the various State authorities, so as to ensure the respect for human rights, security and justice that had been absent from the country for so long during the period when individuals were powerless to defend their human rights in the face of an authoritarian State.

41. Although part of the Ministry of Justice, the National Counsel for the Defence of Human Rights enjoyed full autonomy. The post of National Counsel was filled by a single individual elected by the Legislative Assembly for a three year renewable term. The responsibilities of the Office were to promote, safeguard and ensure respect for human rights and to monitor the actions of the public and judicial authorities.

42. The permanent and independent status and administrative autonomy it enjoyed under the law, enabled the Office to investigate human rights violations in an impartial and objective way and ensure that its reports and findings were implemented by the relevant authorities. It was dependant on no other State institution, body or authority and was subject only to the Constitution and the laws of the Republic.

43. It was also important to note that the human rights protected by the Office included not only the civil, political, economic, social and cultural rights enshrined in the Constitution and in the laws and treaties in force in El Salvador, but also those contained in the declarations and principles approved by the United Nations and the Organization of American States. It was the first time that international standards had been incorporated into domestic law in such a way.

44. Any person could submit a complaint to the Office, although certain minimum criteria of admissibility must be met, including the name and address of the person submitting the complaint and details of the case. Once accepted as admissible, complaints were investigated by the National Counsel who would approach the official deemed responsible for information on the subject.

45. The National Counsel was required to recommend a course of action within eight days. If sufficient grounds existed to suspect that a human rights violation had occurred, an investigation had to be completed within 30 days. If a violation was found to have occurred, the Office prepared a resolution and report setting out its findings and recommendations, including measures to end the violation through the appropriate judicial or administrative remedies, changes in the policies or provisions which had led to it, sanctions against those responsible, and compensation for the victim or family members.

46. The Office was also responsible for human rights promotion and education, as part of a coordinated range of activities designed to promote a climate of tolerance, in which human rights, peace and democracy could be enjoyed. In that connection, a National Commission for the Promotion of Human Rights and Education for Peace had been set up. The work of the Office also included preventive monitoring of situations where grave human rights violations might be expected to occur, such as public demonstrations or strikes. In other cases, it sought to use its good offices and act as a mediator in order to avert potential abuses.

47. When violations occurred, the Office investigated them impartially and objectively, in cooperation with the victims, in order to restore the full enjoyment of the rights which had been violated and, where appropriate, to take effective action to punish those responsible. At the end of 1992, the Office had been investigating 974 cases of alleged human rights violations. It also carried out inspections of detention centres and interviewed detainees, and was currently compiling a country-wide register of prisoners.

48. The Office which was fulfilling all the responsibilities assigned to it under the law and the Constitution, was not only complying with its mandate to safeguard human rights but was also helping to consolidate the process of peace and democracy in El Salvador.

49. Ms. PARK (Canada) said she wished to address a concern that was long overdue for focused attention in the Commission: human rights as they applied to women. The situation in the former Yugoslavia provided a sharp reminder that violence against women remained one of the most pervasive and serious manifestations of human rights abuse. Despite the work accomplished in the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women, as well as in the specialized agencies, regional commissions and non-governmental organizations, much still remained to be done.

50. Her delegation supported the elaboration at the World Conference on Human Rights in Vienna of a draft declaration on the elimination of violence against women and hoped that that important work would be brought to early fruition. The Conference would provide an excellent opportunity to address the need to improve the realization of the human rights of women in all countries, as well as throughout the United Nations system.

51. The World Conference on Women to be held in Beijing in 1995 would bring women's rights and the role of women in society and in the development process to world attention, and the 1994 International Conference on Population and Development, the preparations for the International Year of the Family and the proposed World Summit for Social Development would also be important forums for addressing those issues.

52. In view of the momentum developing on women's issues, it was strange that the human rights of women and the particular ways in which women were abused rarely attracted attention in the Commission, which she urged to assume its proper role. The special rapporteurs, experts and working groups of the Commission and the Sub-Commission should be fully apprised of the particular ways in which the rights of women were violated and should include in their reports information on human rights violations affecting women. The information provided by Governments should be broken down by gender. The Commission on Human Rights and the Commission on the Status of Women should cooperate more closely. Consideration should also be given to appointing a special rapporteur or expert on violence against women.

53. All in all, the time had come to take practical steps to begin integrating the human rights of women into the mainstream of the human rights system, and her delegation was preparing a resolution to that end for consideration at the Commission's current session.

54. Mr. YOUSIF (Sudan), having regretted that the study on the human rights issues related to internally displaced persons (E/CN.4/1993/35) was not available in Arabic, said that his delegation attached great importance to the question, given his Government's efforts to tackle that daunting problem at the national level. The war in the southern Sudan and the drought in the north had resulted in over 3 million internally displaced Sudanese. His Government had been doing everything possible, despite its limited resources, to help all its displaced citizens.

55. The international community was duty-bound to extend assistance to displaced persons to alleviate their suffering, in close collaboration with the Governments concerned. The question of human rights was only a part of

the problem of the internally displaced. Such cases as Bosnia and Herzegovina or Somalia should not be confused with other situations, where national Governments were providing protection and simply required material assistance from the international community. The Centre for Human Rights must work on that issue as part of a system-wide operation and his delegation supported the idea of having an annual report on the question.

56. Turning to the section of the report relating to Sudan (paras. 202-235), he said that the views expressed therein on the conflict in southern Sudan were personal to the author and did not reflect the actual situation. The political aspects of the conflict in southern Sudan did not fall within the mandate of the Representative of the Secretary-General, because they were internal issues. The conflict was neither religious nor racial; therefore all other references in the report to the relationship between religion and the State or the ideology of the Government were likewise outside the scope of the representative's mandate and as such unacceptable. His delegation had strong doubts about the credibility of the obviously exaggerated information quoted from the Africa Watch reports.

57. The proposals contained in paragraph 227 of the report for resolving the problem of internally displaced Sudanese were realistic and constructive, but the international community must live up to its obligations and provide adequate assistance in implementing those proposals. His Government was providing protection to its displaced citizens; what was lacking was material non-food assistance from the international community.

58. His delegation was concerned that certain Member States were manipulating the United Nations system and the human rights principles. The Commission should work closely to give effect to its resolution 1992/39 on the importance of non-selectivity. Politically motivated issues for the current session could be easily identified. The Commission had focused on a number of developing countries because of problems relating to bilateral issues. Sudan was one such country against which the United States of America had launched a politically motivated campaign, based on a resolution adopted in 1992 by the United States Congress. His delegation hoped that Commission resolution 1992/39 would be strengthened to meet such a problem. A resolution adopted by the legislature of one country should not be regarded as sufficient grounds for manipulating the United Nations system.

59. With regard to the Secretary-General's report on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (E/CN.4/1993/30), his delegation agreed with the Government of Cuba that there was a tendency to subject developing countries to questioning, criticism and scrutiny for alleged violations of human rights (para. 6 (a)).

60. To secure an unbiased and fair approach to human rights issues, his delegation proposed that the Commission, in cooperation with the Centre for Human Rights, should compile an annual report indexing the comparative records of all Members States in respect of various defined categories of basic rights and develop a rating procedure to measure compliance. The system of special

rapporteurs must be reviewed to ensure credibility and impartiality: as things stood the special rapporteurs continued to be under pressure from certain powerful members of the Commission.

61. Turning to agenda item 11 (a), he said he wished to report on developments in his country over the past year. His Government had formed a Coordination Committee consisting of representatives of the judiciary, the Attorney-General, the Ministry of the Interior and the security forces to consider allegations of human rights violations made by the public and to take the necessary legal action against the perpetrators. The Committee could also suggest ways and means of enhancing and promoting human rights protection and make proposals for appropriate legislation. It also had the responsibility of monitoring Sudan's compliance with the relevant international instruments and meeting the reporting requirements of the various United Nations and other specialized bodies.

62. His Government encouraged the establishment and operation of local human rights groups. At least three such groups were currently engaged in regular activities.

63. The National Security Act had been amended to provide for strict judicial supervision. The accused had the right to file complaints against any measure or excessive use of power. The National Security Council, which was chaired by the Head of State, could no longer prolong the initial detention period of any individual, except with the express approval of the competent magistrate. In addition, the Sudan Penal Code of 1991 had introduced provisions making abuse of power by law enforcement officers a crime.

64. Mr. ZHAN Daode (China) said that, although the cold war had come to an end, bipolar confrontation still had a considerable impact on the Commission's work. The practice of distorting human rights standards, exerting political pressure through the abuse of monitoring mechanisms, engaging in selectivity and applying double standards had led to the violation of the principles and purposes of the Charter of the United Nations, infringing the sovereignty and offending the dignity of many developing countries. Every year, in consequence, many delegations called upon the Commission to rationalize its work and to eliminate the vestiges of the cold war.

65. Any rationalization measure must reflect the goals of the Charter, the principle of the sovereign equality of all members and the spirit of mutual respect. The Commission must eliminate abnormal situations that were interfering with its work, namely the imposition by a number of self-styled "human rights judges" of their own human rights concepts, values and ideology. The use of human rights as a means of applying pressure and interfering in the internal affairs of other countries must stop.

66. The purpose of establishing the Commission had been to prevent a recurrence of genocide and other gross human rights violations. General Assembly resolution 32/130 had also requested the Commission to give priority to the search for solutions to the mass and flagrant violations of human rights resulting from racism, apartheid, foreign aggression and occupation. In recent years, great changes had taken place in the world, but such mass violations not only continued to occur but were spreading. Thus,

any proposals for changing the priorities of the Commission's work on the grounds that the world situation had evolved would run counter to the purpose of the rationalization of the Commission's work.

67. Development was an important basis for democracy and human rights and constituted a fundamental human right. As the majority of the members of the Commission and of the United Nations were developing countries, any rationalization of the Commission's work should take account of their aspirations and needs and pay special attention to finding effective measures to promote the right to development.

68. The rationalization effort should be based on a well-conceived plan carried out on the basis of a consensus, rather than an attempt to accomplish everything in one move. A prudent attitude should be adopted with regard to creating mechanisms, so as to avoid any overlapping of institutions. It was to be hoped that, when deciding what measures to take, the Commission would draw extensively on the opinions of the developing countries of Asia, Africa and Latin America, as well as the constructive proposals put forward by the non-aligned countries.

69. Mr. BURDEKIN (Australia) said that the Principles relating to the status of national institutions, drafted in Paris in 1991, aimed at providing guidelines that were based first and foremost on the international human rights treaties but also relied on practical experience gained in the field. National institutions could be established in a number of different ways, depending on constitutional structures, national conditions and existing legislation.

70. Since the Commission's endorsement of the Principles by its resolution 1992/54, two important conferences on national institutions had been held. The first had been a meeting of Commonwealth countries in Canada. The participants had included human rights experts and officials from a wide range of African, Asian and European Commonwealth countries. Some weeks previously the second Asian-Pacific Workshop on human rights issues, convened at Jakarta under the auspices of the United Nations and the Indonesian Government, had been attended by 30 delegations representing almost every nation in the Asian region. Both conferences had helped strengthen international recognition and support for independent human rights machinery at the national level.

71. His Government welcomed recent moves in a number of countries towards the establishment of national institutions and looked forward to working with Governments in its own region and elsewhere to encourage the development of effective human rights machinery. It was currently examining ways of providing assistance to establish and operate such machinery to several Governments that had requested it.

72. Australia's own national institution, the Human Rights and Equal Opportunity Commission, had six commissioners with responsibilities in areas relating to sexual discrimination, racial discrimination, disability, privacy and the rights of vulnerable and disadvantaged groups. Relying on conciliation, the Commission had usually managed to avoid the need for formal court decisions; that had proved to be a much more flexible and speedy method,

and a much less expensive one, than having recourse to the courts. The Australian Parliament had recently passed legislation adding to the Commission an Aboriginal and Torres Strait Islander Social Justice Commissioner to report on and remedy violations of the human rights of the indigenous peoples.

73. There were several reasons why independent national human rights institutions had an important role. First, action at the national level to protect human rights and to implement the relevant international standards were essential if human rights were to be a reality for the vast majority of people. Secondly, national institutions performed valuable functions which contributed to the promotion and the protection of human rights, as set out in the principles adopted.

74. In Australia, the Human Rights Commission conducted on its own initiative major public inquiries on important issues. Those inquiries had recently included wide-ranging investigations concerning some of the most vulnerable groups in its society, such as homeless children and the mentally ill. The Commission had also an important role in conducting public education programmes, which were an essential means of increasing understanding throughout the community, thereby helping to prevent human rights violations.

75. One of the major issues which States contemplating the establishment of a national institution had to consider was whether to endow it with advisory powers only or with binding jurisdiction. Experience showed that a national institution with a purely advisory role must be able to publicise its findings and reports if it was to be effective. It must also be able to refer complaints to other bodies which had the power to make decisions or conduct investigations. The United Nations Centre for Human Rights had an essential role to play in facilitating the exchange of information and experience among those institutions and between such institutions and Member States considering their establishment.

76. Regional arrangements complemented both United Nations machinery and national institutions. They also offered valuable opportunities for sharing national experience. However, although Europe, the Americas and Africa had regional human rights mechanisms, there was no such body in the Asia-Pacific region. Nevertheless, recent developments towards the establishment of national human rights institutions and growing cooperation among those institutions might foreshadow the establishment of a regional human rights body.

77. In working towards that goal, his delegation had consistently sponsored General Assembly and Commission resolutions on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region. It looked forward to further cooperation among the Governments of the region and between the Governments and the Centre for Human Rights in promoting continued discussion and exchange of expertise.

78. The forthcoming World Conference on Human Rights would provide further substantial impetus to the development of national human rights bodies. The Conference should endorse greater efforts to devise a technical cooperation programme aimed at initiating or strengthening the necessary infrastructures

for the promotion and protection of human rights at the national level. In that regard, his Government stood ready to assist the Centre for Human Rights in its technical assistance and advisory programmes.

79. The World Conference would also provide an opportunity to explore practical initiatives for promoting and strengthening national institutions. One such initiative could be the appointment of a high-level special representative or adviser on national institutions. The functions of such a person would include providing advice and assistance when requested by Governments on the creation of national institutions; disseminating information on the activities of national institutions, and in particular on the implementation of the Principles relating to the Status of National Institutions; coordinating activities relating to the strengthening of existing national institutions; and reporting to the Commission on ways of assisting Member States in promoting and protecting human rights through support for national institutions.

80. The next opportunity to advance preparations for the Conference would be the Meeting of National Institutions Involved in Combating Racism and Racial Discrimination, which was to be held at Sydney in April 1993.

81. It was clear that, without national mechanisms for monitoring human rights violations, the international machinery which was fine in theory had limited applications in practice. He therefore endorsed the proposal by the representative of the Russian Federation that national institutions should constitute a separate item of the agenda for the Commission's next session.

82. Mr. ERMACORA (Austria) said that the number of internally displaced persons was growing at an alarming pace and exceeded that of persons who were externally displaced, i.e. refugees. The report of the Representative of the Secretary-General (E/CN.4/1993/35) clearly indicated the major problem areas and provided useful suggestions for further work by the international community. However, as in the case of many reports requested by the Commission, the study suffered from the fact that only a relatively small number of Governments had made their views known. It was thus encouraging that, in the few months since the Representative's nomination, several Governments experiencing the phenomenon of internal displacement had invited him to visit their countries.

83. His own delegation was prepared to accept the Representative's recommendations concerning the manner in which the international community could effectively address the problems afflicting internally displaced persons. It was therefore strongly of the opinion that the Representative's mandate should be extended, to enable him to continue the work he had so competently begun.

84. With regard to the Secretary-General's report on the question of civil defence forces (E/CN.4/1993/34), he wished to stress the applicability of humanitarian law to such forces. In the case of the former Yugoslavia, the Commission must not allow a double standard to be used, differentiating between irregular armed forces, on the one hand, and civil defence forces, on

the other. Article 3 common to all four of the Geneva Conventions of 1949 must apply also to civil defence forces and their obligations in respect of the treatment of both the civilian population and prisoners.

85. The Commission must make it clear that members of civil defence forces were to be regarded as combatants and had the appropriate rights and responsibilities under international humanitarian law. States in which there were civil defence forces were responsible for ensuring that those forces respected humanitarian law. The International Committee of the Red Cross (ICRC) should also inform the members of such forces of their responsibilities.

86. With respect to the question of regional arrangements for the protection and promotion of human rights, no reference was made in the documentation (E/CN.4/1993/32) to the various structures that existed within the various regions or to the role of religious and social structures. While all human rights were universal and interrelated, regional arrangements could be made even more effective by taking account of those differentiating factors. His delegation would recommend a more thorough study of those questions in the report for the following year.

87. It was regrettable that no document had been submitted on the coordinating role of the Centre for Human Rights. Every year additional responsibilities were laid upon the Centre, two of the most recent examples being the increasing role of human rights protection in the work of the Security Council and the role of the United Nations in enhancing the effectiveness of the principle of periodic elections. In both instances, it would seem advisable to ensure closer involvement of the considerable expertise of the Centre in the work undertaken by other parts of the United Nations system.

88. Coordination meant, of course, not only action to coordinate the various parts of the United Nations system when dealing with human rights questions but also the role as it emanated from the Centre's growing duties, such as coordination of the work of the increasing number of treaty-based bodies and between them and the regional institutions.

89. Consequently, the issue of the human, financial and infrastructural resources of the Centre for Human Rights was one of overriding importance. In that connection, he wished to commend the dedication of the Centre's staff. The picture remained grim, however, despite recent attempts to secure additional posts for the Centre. A quantum leap in the Centre's resources was required if it was to carry out its tasks. His delegation would welcome a clear indication of all the requirements in time for the forthcoming World Conference in Vienna so that it could make some concrete recommendations in that regard.

90. Mr. GWEI (Observer for Cameroon) said that it was the hope of many that the promotion and protection of human rights would take a giant step forward after the forthcoming World Conference on Human Rights.

91. One of several measures taken by the Government of the Republic of Cameroon to democratize Cameroonian society had been the establishment of the

National Commission on Human Rights and Freedoms. Members were appointed by presidential decree. Although its establishment had preceded the International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Paris in October 1991, its objectives and terms of reference were largely reflected in the Paris Principles, as endorsed by Commission resolution 1992/54.

92. In order to accomplish its important mission of defending and promoting human rights and freedoms, the National Commission was authorized to receive all denunciations of violations of human rights and freedoms; to conduct all inquiries and carry out the necessary investigations into violations of human rights and freedoms and report thereon to the President of the Republic; to inspect all types of penitentiaries, police stations and gendarmerie brigades in the presence of the State Counsel with jurisdiction or his representative; to propose to public authorities measures to be taken in the area of human rights and freedoms; to popularize by all possible means instruments relating to human rights; to coordinate the activities of non-governmental organizations wishing to participate in its tasks; and to maintain relations with the United Nations, international organizations and foreign committees or associations pursuing humanitarian objectives, informing the minister in charge of external relations thereon.

93. The Commission's resources were derived from State grants, gifts and legacies from various sources, and the proceeds from selling its studies. The Commission's composition reflected the pluralistic representation recommended by the Paris Workshop. The Chairman was an independent personality and members were drawn from the Government, the Supreme Court, political parties, the University, religious denominations, local authorities, the press and women's organizations. It was attached to the Prime Minister's Office and prepared two annual reports for the President of the Republic, one on the status of human rights in the country and a progress report on its activities.

94. The birth or rebirth of democracy in Cameroon had been accompanied by rampant violations of human rights in the country. The first public reaction to the creation of a national institution to promote and protect human rights and freedoms had been one of scepticism. It had therefore become a challenge and an obligation to make the Commission credible in the eyes of the public.

95. The Commission had carried out several investigations, inspected prisons, monitored the legislative and presidential elections and reported to the competent authorities violations of human rights and freedoms by groups, private individuals and government officials. As a result of all those efforts, the Commission had succeeded in achieving credibility.

96. In conclusion, he expressed the hope that the representatives of national institutions for the promotion and protection of human rights would be able to attend the World Conference on Human Rights not merely as observers but as fully-fledged participants.

The meeting rose at 6.05 p.m.